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## RECENT LEGAL LITERATURE

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AN OUTLINE OF THE FRENCH LAW OF EVIDENCE. By Oliver E. Bodington, B.A. (Lond.), of the Inner Temple, Barrister-at-Law. London: Stevens and Sons, Limited, 1904. pp. viii, 199.

The author's preface informs us that he was led to write the book as the result of his experience in conducting international litigation. The wide variance between the methods of proving facts under the French and English systems often resulted in serious difficulty, because evidence taken outside of France, and according to rules of the English law, was not always admissible in the courts of France. The book is written to afford a handy manual setting forth the general principles of the French law of evidence for the guidance of foreigners interested in litigation in the courts of France, and the author seems well to have accomplished his object.

Added interest is given the book because of its being a comparative study of the French and Anglo-Saxon systems. It is written in English and is therefore one of the quite rare books on any branch of modern foreign law available to English-speaking students in their own tongue.

Translations of the French Civil Code, Code of Commerce, Code of Civil Procedure, and Code of Criminal Procedure, so far as they bear upon the subject of evidence, are found as an appendix.

V. H. LANE.

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A SUMMARY OF THE LAW OF PRIVATE CORPORATIONS. By Leslie J. Tompkins, Professor of Law, New York University. New York: Baker, Voorhis & Company, 1904. pp. xxxi, 263.

CASES ON CORPORATIONS, prepared for use of students in the University Law School, 2nd Edition. By Leslie J. Tompkins. New York, 1903. pp. 300.

The design of Professor Tompkins in preparing these works has undoubtedly been to meet the demand for a text and collection of cases of such size as could be used satisfactorily in law schools which can give from twenty-four to thirty-six hours of class work to the study of corporations, and also perhaps to furnish a work from which the student, studying alone, could obtain and master the general principles of corporation law, without the burden of going through the distracting and conflicting details necessarily given in the larger works. These two small books certainly will admirably accomplish these two purposes. As he says in the preface to the first: "The idea in mind has been to state in a systematic way the rules of law on the subject, and to state them in as few words as possible. In doing this the language of the decisions, and in a few instances, the language of the text writers, has been used, the writer finding it unnecessary, and in many cases impossible, to state the rule more concisely or accurately." In doing this the author has used excellent judgment and great care, for it is not the extensive quotations of tiresome decisions of the padded text-book that are given, but instead the most concise and vigorous statements of the best judges taken from the leading cases, are given in an orderly arrangement.

The second work is a condensation of about 260 cases, most of them taken from the larger collections of cases on the subject of private corporations; the condensation, of course, has been necessarily very great, and as the cases now stand in this work, they vary from ten or twelve lines to five or six pages,—yet so far as our examination has gone the essence of the case, upon the point which it is designed to illustrate, is given in such concrete form as to show the bearing of the decision.

The two books follow the same order, and the chapters are: History, definitions and classifications of corporations; the creation and citizenship of a corporation; the corporation and the state; the powers of a corporation; general powers and ultra vires; liability of a corporation for torts, crimes, etc.; membership—its rights, remedies, and liabilities; management; transfer; creditors' rights and remedies; combinations; and promoters.

Something like twelve hundred cases are cited, and a table of cases and fair index are given, in the small text-book. Several typographical errors are noticed, mostly in the case book, but these, and the incorrect statement in next to the last paragraph on p. 3, of the text-book, will undoubtedly be corrected in later editions.

Where the larger works can not be used in instruction, for lack of time, these two books will furnish a very good substitute, and the student studying alone will find them well suited to his needs; even the lawyer, who does not make corporation law a specialty, will find them useful and interesting for review.

H. L. WILGUS.

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THE EXPANSION OF THE COMMON LAW. By Sir Frederick Pollock. Boston: Little, Brown and Company, 1904. pp. vii, 164.

The feeling that a man would experience on emerging from a wild jungle to the banks of a grass-bound river must be akin to those of one who takes up a volume of Mr. Pollock's after the perusal of the general legal literature. It is more than a mere relief. It is a positive refreshment and stimulant. The vigorous style, the sound scholarship, the hopeful tone of his books are in strange and pleasing contrast to the sibylline language and philosophic pedantry affected by some of our judges and text-writers. He is as clear in his *Land Laws* as in his *Jurisprudence and Ethics*, and he that runs may read. We can now study law books that are not only instructive and exact, but also entertaining.

But Mr. Pollock has a more heroic rôle to perform. He is rescuing principles from the avalanche of decisions and shows us a way out of the dreadful maze. And these principles must not be destroyed. The doctrines that aroused the unstinted praise of Montesquieu, who did not fully understand, and of De Lolme, who did, and to which other peoples turn when they wish to reform their own systems of law (e. g., *Gneist*, Preface, 1882, to *Englische Verfassungsgeschichte*), contain within them an essence worth preserving. These principles grew out of the genius of the people, and have been found sufficient to meet successfully all changes for a thousand years. And it is to these principles that we must look to settle the grave controversies of the future (*Gneist*, supra, §§ 53, 52).